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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	<b>10/763,296</b>
	Filing Date	<b>January 22, 2004</b>
	First Named Inventor	<b>Michelangelo Scalone</b>
	Art Unit	<b>1626</b>
	Examiner Name	<b>Anderson, Rebecca L.</b>
Total Number of Pages in This Submission	Attorney Docket Number	<b>20826 US1</b>

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**India Office Action, Cited Reference,  
Statement Under 37 CFR Section  
1.97(e), and USPTO Form 1449**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	<b>John P. Parise</b>
Signature	
Date	<b>March 23, 2006</b>

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	<b>John P. Parise</b>
Signature	
Date	<b>March 23, 2006</b>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Michelangelo Scalone, et al.

Group: 1626

Application No. 10/763,296, filed January 22, 2004  
(Case Docket No. 20826 US1)

Examiner: Rebecca L. Anderson

For: **PROCESS FOR PREPARING HETEROCYCLIC INDENE ANALOGS**

**COMMUNICATION IN RESPONSE TO OFFICE ACTION**  
**AND INFORMATION DISCLOSURE STATEMENT**

Nutley, New Jersey 07110  
March 23, 2006

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Communication is filed in response to the March 1, 2006 Office Action issued in connection with the above-identified patent application. A response to this Office Action is due April 1, 2006.

In the Office Action, restriction was required under 35 U.S.C. § 121. Specifically, there are allegedly three independent and distinct groups of inventions. Group I includes claims 1-30, drawn to a process for the preparation of the products of formula (I). Group II includes claim 31, drawn to a process for the preparation of the product 1-

Appln. 10/763,296  
Filed: January 22, 2004

(9H-carbazol-4-yloxy)-3-[[2-(2-methoxyphenoxy)ethyl]amino]-2-propanol. Group III includes claim 32, drawn to a compound of formula (IIa).

In response to this restriction requirement, applicants elect, with traverse, to prosecute at this time the invention of Group II. Applicants traverse this restriction since it would not be a serious burden on the Examiner to search all of the claims at this time. Reconsideration of the restriction requirement is requested.

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicants respectfully direct the Examiner's attention to the document listed on enclosed Form PTO-1449.

Document B1 listed on Form PTO-1449 is enclosed.

Enclosed is an Office Action dated January 13, 2006, issued by the Patent Office in India in the 01126/CHENP/2003 application corresponding to the captioned application.

Consideration of the document cited on Form PTO-1449 is requested.

Since the Supplemental Information Disclosure Statement is submitted after the first Office Action on the merits and after three months of the filing date for the captioned application, there is enclosed a Certificate under 37 C.F.R. § 1.97(e).

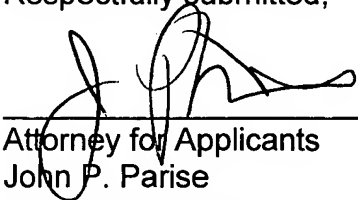
In summary, applicants request reconsideration and withdrawal of the restriction requirement.

If a telephone conference would be of assistance in furthering prosecution, applicants request that the undersigned attorney be contacted at the number below.

Appln. 10/763,296  
Filed: January 22, 2004

No fee is required in connection with the filing of this Communication. If any fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. Parise', is written over a horizontal line.

Attorney for Applicants  
John P. Parise  
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Confirmation No. 6542

Inventor(s): Michelangelo Scalone, et al.

Group: 1626

Application No. 10/763,296, filed January 22, 2004  
(Case Docket No. 20826 US1)

Examiner: Anderson, Rebecca L.

For: **PROCESS FOR PREPARING HETEROCYCLIC INDENE ANALOGS**

**STATEMENT UNDER 37 CFR § 1.97(e)**

Nutley, New Jersey 07110  
March 23, 2006

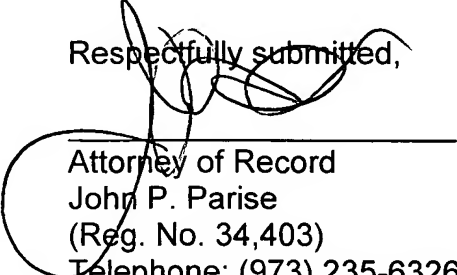
Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify:

X That each item of information contained in the enclosed Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Supplemental Information Disclosure Statement.

Respectfully submitted,

  
\_\_\_\_\_  
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